

AMENDED IN SENATE JUNE 23, 2003

AMENDED IN ASSEMBLY MAY 29, 2003

AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 1748**

**Introduced by Committee on Budget (Oropeza (Chair), Bermudez, Chan, Chu, Diaz, Dutra, Dymally, Goldberg, Hancock, Jackson, Liu, Montanez, Nakano, Pavley, Reyes, Simitian, and Wolk)**

March 11, 2003

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~~An act relating to the Budget Act of 2003. An act to add Chapter 1.695 (commencing with Section 5096.500) to Division 5 of the Public Resources Code, and to add Sections 79541.1, 79541.2, 79541.3, 79541.4, 79541.5, and 79544.1 to the Water Code, relating to public resources, and making an appropriation therefor.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 1748, as amended, Committee on Budget. ~~Budget Act of 2003~~  
*Public Resources: California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002: Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2003.~~

*The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 was approved by the voters at the March 2, 2002, statewide primary election as Proposition 40. Proposition 40 provides bond funds for the acquisition and*

*development of the state park system, for neighborhood, community, and regional parks and recreation areas, for land, air, and water conservation programs, and for acquisition, restoration, preservation, and interpretation of California's historical and cultural resources.*

*The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 was an initiative measure approved by the voters at the November 5, 2002, statewide general election as Proposition 50. Proposition 50, among other things, provides bond funds for acquisition of land related to protection of water supplies, coastal watersheds, and beaches.*

*This bill would require an acquisition agency, as defined, prior to agreeing to acquire any conservation land, as defined, with a price of more than \$25,000,000 that would be acquired with funds from either of the 2 acts described above, or the General Fund, to contract for 2 independent appraisals of the land. The bill would require the 2 independent appraisals to be reviewed by one or more qualified independent appraisers retained by the acquisition agency for this purpose.*

*The bill would require the acquisition agency to make available to the public, among other things, the independent appraisal review, a summary of the basis for approving acquisition of the land, and any relevant environmental studies, documents, or other information.*

*The bill would provide that its procedures and requirements are in addition to, and to not amend, modify, or supplant, any procedures or requirements in the 2 bond acts for the acquisition of conservation lands.*

*The bill would require the Secretary of the Resources Agency to delegate his or her responsibilities for the administration of the river parkway programs financed by Proposition 50 or by funds appropriated in the Budget Act of 2003 for the river parkway program conducted under Proposition 40, except funds allocated to the urban streams program administered by the Department of Water Resources, to the Wildlife Conservation Board, which is a part of the Fish and Game Department, which is included in the Resources Agency. The bill would require the board to adopt guidelines to carry out the river parkway programs and to include in those guidelines procedures for the awarding of grants to local public agencies, state agencies, and nonprofit entities. The bill would require the board to give a preference to eligible projects for which the applicant offers matching funds. For the purposes of qualifying for a grant financed by funds made available*



to the river parkway programs, the bill would require projects to meet certain requirements and would designate certain projects to be ineligible for funding. The bill would require the board to award grants, to the maximum extent possible, in a manner that ensures the distribution of funding in a geographically equitable manner.

The bill would require the secretary to delegate his or her responsibilities for the administration of a grant program for acquisition of land or water resources in the Sierra Nevada-Cascade Mountain Region, and would authorize the board to provide grants that meet certain requirements.

The bill would appropriate \$7,850,000 from Proposition 40 bond funds and \$25,417,000 from Proposition 50 bond funds to the Secretary of the Resources Agency for the purposes of awarding grants for the acquisition and development of river parkways. The bill would appropriate \$7,000,000 from Proposition 50 bond funds to the Secretary of the Resources Agency for the purposes of awarding grants for acquisition of land or water resources in the Sierra-Nevada-Cascade Mountain Region.

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. It is the intent of the Legislature to enact~~  
2 ~~statutory changes relating to the Budget Act of 2003.~~

3 SECTION 1. Chapter 1.695 (commencing with Section  
4 5096.500) is added to Division 5 of the Public Resources Code, to  
5 read:

6  
7 CHAPTER 1.695. PUBLIC REVIEW OF STATE AGENCY ACQUISITION  
8 OF CONSERVATION LANDS

9  
10 Article 1. General Provisions

11  
12 5096.500. The Legislature finds and declares as follows:

13 (a) It is vital to ensure public confidence in amounts paid, and  
14 procedures used, for the acquisition of property by state agencies  
15 that spend taxpayer or bond funds.

1     **(b)** *It is important to ensure that an acquisition agency act*  
2 *expeditiously to purchase critically needed conservation lands for*  
3 *their preservation and protection.*

4     **(c)** *The purpose of this chapter is to ensure that information on*  
5 *the acquisition of conservation lands by state agencies is made*  
6 *available to the public, while ensuring that these lands continue*  
7 *to be acquired in an efficient and expeditious manner.*

8     5096.501. *For purposes of this chapter, the following terms*  
9 *have the following meanings:*

10    **(a)** *“Acquisition agency” means the Wildlife Conservation*  
11 *Board or the State Coastal Conservancy.*

12    **(b)** *“Conservation lands” means any land or interest therein to*  
13 *be acquired using funds from the California Clean Water, Clean*  
14 *Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002*  
15 *(Chapter 1.696 (commencing with Section 5096.600)), the Water*  
16 *Security, Clean Drinking Water, Coastal and Beach Protection Act*  
17 *of 2002 (Division 26.5 (commencing with Section 79500) of the*  
18 *Water Code), or the General Fund, where an acquisition agency*  
19 *proposes to spend more than twenty-five million dollars*  
20 *(\$25,000,000) from one or more of these fund sources.*

21  
22     **Article 2. Conservation Lands Acquisition Procedures**  
23

24     5096.511. *Prior to agreeing to acquire any conservation*  
25 *lands, an acquisition agency shall contract for two independent*  
26 *appraisals of the fair market value of the land. One appraisal may*  
27 *be conducted by the Department of General Services and the other*  
28 *appraisal may be an appraisal prepared under contract with a*  
29 *nonprofit organization if the appraiser has been approved for that*  
30 *purpose by the acquisition agency and the Department of General*  
31 *Services. Any appraisal prepared pursuant to this section shall be*  
32 *performed by a qualified independent appraiser licensed pursuant*  
33 *to Part 3 (commencing with Section 11300) of the Business and*  
34 *Professions Code and shall be consistent with the Uniform*  
35 *Standards of Professional Appraisal Practice.*

36     5096.512. **(a)** *Each appraisal shall be subject to an*  
37 *independent appraisal review by one or more qualified*  
38 *independent appraisers, who shall be retained by the acquisition*  
39 *agency for this purpose and who meets the following conditions:*

1     (1) *The appraiser did not conduct the appraisals pursuant to*  
2 *Section 5096.511 and has no financial interest in the acquisition.*

3     (2) *The appraiser is licensed pursuant to Part 3 (commencing*  
4 *with Section 11300) of the Business and Professions Code.*

5     (b) *A qualified independent appraiser shall review each*  
6 *appraisal and prepare an appraisal review report that does all of*  
7 *the following:*

8         (1) *Summarizes the appraisal.*

9         (2) *States the basis on which the value of the land was*  
10 *established.*

11         (3) *Describes the standards used to conduct the appraisal.*

12         (4) *Determines whether or not the appraisal meets the*  
13 *standards established under the Uniform Standards of*  
14 *Professional Appraisal Practice.*

15     5096.513. *Not less than 30 calendar days prior to holding a*  
16 *public hearing for the purpose of acquiring conservation land, the*  
17 *acquisition agency shall make available to the public a packet that*  
18 *includes, but is not limited to, the following:*

19         (a) *A copy of the independent appraisal review prepared*  
20 *pursuant to Section 5096.512.*

21         (b) *A summary of the basis for the recommendation of approval*  
22 *for the acquisition of the land made by the acquisition agency.*

23         (c) *Any relevant environmental studies, documents, or other*  
24 *information that are not exempt from public disclosure pursuant*  
25 *to Chapter 3.5 (commencing with Section 6250) of Division 7 of*  
26 *Title 1 of the Government Code.*

27     5096.514. *Not more than 10 working days after the close of*  
28 *escrow for the acquisition of conservation land by an acquisition*  
29 *agency, the acquisition agency shall make available to the public*  
30 *all of the following information, unless it is specifically exempted*  
31 *from being disclosed pursuant to the California Public Records*  
32 *Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of*  
33 *Title 1 of the Government Code):*

34         (a) *A copy of all appraisals for the conservation land.*

35         (b) *A copy of all other documents relevant to the purchase of the*  
36 *conservation land, including, but not limited to, the purchase*  
37 *agreement and any environmental assessments or other documents*  
38 *not already disclosed pursuant to Section 5096.513.*

39     5096.515. *The procedures and requirements established*  
40 *pursuant to this chapter are in addition to, and do not amend,*

1 *modify, or supplant, any procedures or requirements established*  
2 *pursuant to the Water Security, Clean Drinking Water, Coastal and*  
3 *Beach Protection Act of 2002 (Division 26.5 (commencing with*  
4 *Section 79500) of the Water Code) or the California Clean Water,*  
5 *Clean Air, Safe Neighborhood Parks, and Coastal Protection Act*  
6 *of 2002 (Chapter 1.696 (commencing with Section 5096.600)) for*  
7 *the acquisition of conservation lands.*

8 *SEC. 2. Section 79541.1 is added to the Water Code, to read:*

9 *79541.1. (a) (1) The secretary shall delegate responsibility*  
10 *for the administration of the river parkway program, as set forth*  
11 *in Section 79541, to the Wildlife Conservation Board.*

12 *(2) The secretary shall delegate responsibility to the Wildlife*  
13 *Conservation Board for the administration of the funds*  
14 *appropriated in the Budget Act of 2003 for the acquisition and*  
15 *development of river parkways under paragraph (1) of subdivision*  
16 *(c) of Section 5096.650 of the Public Resources Code, excluding*  
17 *all funds allocated for the urban streams program administered by*  
18 *the Department of Water Resources.*

19 *(b) (1) The Wildlife Conservation Board shall adopt*  
20 *guidelines to carry out Section 79541 and paragraph (2) of*  
21 *subdivision (a). The board shall include in those guidelines*  
22 *procedures for the awarding of grants to local public agencies,*  
23 *state agencies, and nonprofit entities.*

24 *(2) The adoption of guidelines pursuant to this section is not*  
25 *subject to Chapter 3.5 (commencing with Section 11340) of Part*  
26 *1 of Division 3 of Title 2 of the Government Code.*

27 *(c) The Wildlife Conservation Board may award grants*  
28 *pursuant to Section 79541 and paragraph (2) of subdivision (a) for*  
29 *the acquisition of fee title or lesser interests in real property in*  
30 *accordance with Section 79541.4 and for other purposes*  
31 *consistent with Section 79541.*

32 *SEC. 3. Section 79541.2 is added to the Water Code, to read:*

33 *79541.2. The Wildlife Conservation Board shall include in the*  
34 *guidelines adopted pursuant to subdivision (b) of Section 79541.1*  
35 *a preference for eligible projects that have been developed*  
36 *collaboratively with local public agencies, landowners, and*  
37 *nonprofit organizations, including environmental groups with a*  
38 *demonstrated interest in the proposed river parkway, and other*  
39 *interested parties. The guidelines shall provide for the acquisition,*



1 restoration, protection, and development of river or stream  
2 parkways.

3 SEC. 4. Section 79541.3 is added to the Water Code, to read:  
4 79541.3. The Wildlife Conservation Board shall award grants  
5 pursuant to Section 79541 and paragraph (2) of subdivision (a) of  
6 Section 79541.1, to the maximum extent possible, in a manner that  
7 ensures the distribution of funding in a geographically equitable  
8 manner.

9 SEC. 5. Section 79541.4 is added to the Water Code, to read:  
10 79541.4. (a) The Wildlife Conservation Board shall give  
11 preference to eligible projects for which the grant applicant offers  
12 matching funds. The board shall include in the guidelines adopted  
13 pursuant to subdivision (b) of Section 79541.1 procedures for  
14 implementing this subdivision and subdivision (b).

15 (b) To qualify for a grant awarded pursuant to Section 79541  
16 or paragraph (2) of subdivision (a) of Section 79541.1, projects  
17 shall be required to do two or more of the following:

18 (1) Improve the watersheds ecological condition, including  
19 reduction of pollution and sediment into the river or stream.

20 (2) Protect or restore wildlife or fisheries habitat, including  
21 native wildlife or fisheries of commercial, recreational, or  
22 scientific concern, including those on natural or managed  
23 wetlands.

24 (3) Protect riverine corridors.

25 (4) Improve and protect water quality.

26 (5) Provide passive recreational benefits.

27 (6) Revitalize urban river or corridors.

28 (7) Preserve agricultural land and open space.

29 (8) Provide public access to river or stream parkways and  
30 passive recreational activities, particularly in urban areas that  
31 lack park and open space protections.

32 (9) Develop, improve, or enhance trails or trailhead or  
33 trailside facilities adjacent to rivers, streams, or river or stream  
34 parkways, for walking or bicycling purposes.

35 SEC. 6. Section 79541.5 is added to the Water Code, to read:  
36 79541.5. Projects under Section 79541 or paragraph (2) of  
37 subdivision (a) of Section 79541.1 may not be funded that:

38 (a) Have no river or stream linkage.

39 (b) Are exclusively or primarily planning projects.

40 (c) Are operations and maintenance projects.

1 (d) Exclusively fulfill mitigation requirements.

2 (e) Do not have public access that is compatible with habitat  
3 values or other project purposes.

4 (f) Upgrade, expand, or facilitate motorized uses of trails  
5 predominantly used by nonmotorized trail users or that create or  
6 improve roads for motorized use.

7 SEC. 7. Section 79544.1 is added to the Water Code, to read:

8 79544.1. (a) The secretary shall delegate responsibilities  
9 relating to the program described in Section 79544 to the Wildlife  
10 Conservation Board to administer a grant program. The Wildlife  
11 Conservation Board shall require all prospective grantees for land  
12 or water resource acquisitions pursuant to Section 79544 to  
13 include in the grant application a proposal for the long-term  
14 management of the resource proposed to be acquired. The board  
15 may establish acquisition priorities of fee title or easements from  
16 willing sellers. All expenditures pursuant to Section 79544 shall  
17 contribute to the protection of land or water resources that will  
18 improve water quality in the lakes, reservoirs, rivers, streams, or  
19 wetlands in the Sierra Nevada-Cascade Mountain Region. The  
20 grant applicant shall identify the entity that will hold title to the  
21 resource, including any state or federal agency to which title may  
22 be transferred after acquisition, and the entity that will be  
23 responsible for managing and protecting water quality values of  
24 the resource.

25 (b) For the purposes of carrying out this section, the Wildlife  
26 Conservation Board may provide grants to public agencies, local  
27 water districts, or nonprofit organizations for acquisitions in  
28 accordance with Section 79544 for any of the following purposes:

29 (1) Preservation of agricultural land and other working  
30 landscapes to prevent conversion to uses that decreases water  
31 quality.

32 (2) Soil erosion control to reduce sedimentation of rivers and  
33 streams.

34 (3) Restoration of developed or degraded wetland areas.

35 (4) Preservation of ecologically unique forest ecosystems that  
36 if not conserved, could be converted to uses that will result in a  
37 decrease in overall watershed water quality.

38 (5) Restoration of stream function and riverine zones that  
39 prevents bank and streambed erosion, protects water quality and  
40 wildlife habitat, and restores native vegetation.



1 (6) Construction of trails for nonmotorized recreation in  
2 sensitive areas in order to avoid the sedimentation problems  
3 caused by nonmotorized recreation in areas that have no formal  
4 trail system and other projects that will improve public access to  
5 recreation areas.

6 (7) Purchase of water rights that will improve water quality and  
7 instream flows for resource protection.

8 SEC. 8. Of the funds available for the purposes of paragraph  
9 (1) of subdivision (c) of Section 5096.650 of the Public Resources  
10 Code, the sum of seven million eight hundred fifty thousand dollars  
11 (\$7,850,000) is hereby appropriated from the California Clean  
12 Water, Clean Air, Safe Neighborhood Parks, and Coastal  
13 Protection Fund, established pursuant to Section 5096.610 of the  
14 Public Resources Code, to the Secretary of the Resources Agency,  
15 for the purposes of awarding grants pursuant to Section 79541 of  
16 the Water Code in accordance with Sections 79541.1, 79541.2,  
17 79541.3, and 79541.4 of the Water Code.

18 SEC. 9. Of the funds available for the purposes of Section  
19 79541 of the Water Code, the sum of twenty-five million four  
20 hundred seventeen thousand dollars (\$25,417,000) is hereby  
21 appropriated from the Water Security, Clean Drinking Water,  
22 Coastal and Beach Protection Fund of 2002, established by  
23 Section 79510 of the Water Code, to the Secretary of the Resources  
24 Agency, for the purposes of awarding grants pursuant to Section  
25 79541 of the Water Code in accordance with Sections 79541.1,  
26 79541.2, 79541.3, and 79541.4 of the Water Code.

27 SEC. 10. Of the funds available for the purposes of Section  
28 79544 of the Water Code, the sum of seven million dollars  
29 (\$7,000,000) is hereby appropriated from the Water Security,  
30 Clean Drinking Water, Coastal and Beach Protection Fund of  
31 2002, established by Section 79510 of the Water Code, to the  
32 Secretary of the Resources Agency, for the purposes of awarding  
33 grants pursuant to Section 79544 of the Water Code in accordance  
34 with Section 79544.1 of the Water Code.